Remarks

Claims 1-6 and 8-30 are pending. Claim 25 is rejected under 35 USC §112 second paragraph as being indefinite for failing to point out and distinctly claiming subject matter which applicant regards as the invention.. Claims 1-6 and 8-30 stand rejected as being anticipated by claims 1, 2 and 5 of copending application no. 09/893,437 under the doctrine non-statutory double patenting. Claims 1-6 and 8-30 stand rejected under 35 USC 103(a). Applicants have hereby amended claims 1, 12 and 23 and assert that all claims are now in condition for allowance as more specifically set forth below.

Interview Summary

On February 28, a phone interview was conducted. During the interview it was discussed that additional elements could be considered for inclusion into the independent claims.

It was further discussed in regards to independent claims 1, 12 and 23 that on page 5 the Office Action concedes that Luzeski fails to disclose a softswitch providing voice-oriented and non-voice oriented services to the customer network. On page 6, the Office Action also concedes that Qiu also fails to disclose that the softswitch provides voice-oriented and non-voice oriented services to the customer network. The Office Action then appears to reverses itself on page 6 to assert official notice in that "the combination of Qiu with Luzeski's message stores would allow the user systems of Qiu 141 the ability to retrieve both voice oriented and non voice oriented messages from the message stores of Luzeski." Applicant's inquired that since the Office Action concedes that neither reference discloses that "the softswitch establishes a connection between a first user network, a second user network, and the plurality of service servers to provide voice-oriented and non-voice-oriented services simultaneously to the first and second user networks". The Examiner focused on the part of the concession concerning the communication with two networks and pointed to the telephone and internet on diagrams 4H and 4I for the proposition that Luzeski communicated with two networks.

Applicants thanked the Examiner for his time and would take his comments under advisement in considering an appropriate response and would provide written amendments and arguments for further consideration.

In the Drawings

Figure 4 contains two components numbered 466. Figure 4 has been hand corrected to change E-Center Services item number to "467, 468, 469."

Double Patenting

Claims 1-6 and 8-30 stand rejected under the non-statutory double patenting doctrine in relation to claims 1, 2 and 5 of copending U.S. Patent Application 09/893,437. To expedite prosecution on the merits, Applicants have elected to file a terminal disclaimer herewith. Accordingly, claims 1-6 and 8-30 are now in condition for allowance.

112 Rejections

Claim 25 has been amended to change the reference to "c-center" to "e-center". As such the §112 rejection can now be withdrawn.

103 Rejections

Claims 1-7, 10-18, and 20-30 stand rejected under 35 USC 103(a) as being unpatentable over Luzeski (US Pat 6,430,177) in view of Qiu (US Pat 6,684,251). Applicants respectfully traverse these rejections.

Claims 1-6 and 8-30

Subject matter from claims 10 and 22 has been moved into independent claims 1, 12 and 23. Amended independent claims 1, 12 and 23 now each contain similar recitations not disclosed in either Luzeski or Qiu. As a representative example, claim 1 recites in pertinent part:

"a system for converged service creation and execution, the system comprising...
the plurality of service servers includes a softswitch server, a conference server, a voice mail server, an e-mail server, a third party information server, a movie server, a billing server, a text to speech server, a fax server, a directory server and a home network server, wherein each server is in communication with the service session manager logic, the converged service creation and execution environment message bus, and a customer network ...wherein the softswitch server establishes a connection between the customer network and the plurality of service servers ...".

None of the cited references discloses all of a softswitch server, a conference server, a voice mail server, an e-mail server, a third party information server, a movie server, a billing

server, a text to speech server, a fax server, a directory server and a home network server.

In its rejection of claims 10 and 22 (the subject matter from which has been included in claims 1, 12 and 23) the Office Action concedes that neither Qiu nor Luzeski disclose that the plurality of service servers include the conference server or the other servers but takes official notice that it would be obvious to include such service servers. As such, Applicants assert that is inappropriate to utilize such official notice unless the facts are capable of instant and unquestionable demonstration as being well known and *demand written references teaching the use of such servers within the context of the claims*. MPEP 2144.

Further, on page 5 the Office Action concedes that Luzeski fails to disclose that a "softswitch is in communication with the service session manager logic, the message bus and a customer network...to provide voice oriented and non-voice oriented services to the customer network...". On page 6, the Office Action also concedes that Qiu also fails to disclose a "softswitch provid[ing] voice-oriented and non-voice oriented services". The Office Action then reverses itself on page 6 to assert that it would be obvious that "the combination of Qiu with Luzeski's message stores would allow the user systems of Qiu 141 the ability to retrieve both voice oriented and non voice oriented messages from the message stores of Luzeski." If both references concede that they can not to provide voice oriented and non-voice oriented services to the customer network, then their combination can neither and the rejection fails to teach all of the claim elements.

Further, in the Office Action, Applicants assert the term "media" has been misconstrued to mean "e-mail and voice mail" as disclosed in Luzeski. Amended claim 1 recites a media server as well as a voice mail server, a fax server and an e-mail server. As such, a media server cannot be a voicemail server, e-mail server or a fax server as asserted by the office action because to do so would make one or more of those terms superfluous. Claims are to be construed so as to avoid rendering claim elements redundant. In addition, neither Luzeski or Qiu nor their combination teaches any other content capability other than voicemail, fax and e-mail. Therefore, the combination of Luzeski and Qiu do not teach a media server.

Therefore, for at least the above reasons independent claims 1, 12 and 23 are allowable over the combination of Luzeski and Qiu. Dependent claims 2-6, 8-11, 13-22 and 24-30 depend from an allowable claim 1, 12 or 23 and are allowable for at least those same reasons.

Claims 1-11

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Amended claim 1 further recites in pertinent part:

"[a] system for converged service creation and execution, the system comprising ... wherein upon the service session manager logic receiving a request for a movie-on-demand from the customer network, the softswitch server receives an instruction from the service session manager logic and responds to the instruction by establishing a channel between the movie server and the customer network; and, a data network in communication with the softswitch server, the plurality of service servers and the customer network whereby the customer network movie-on-demand is downloaded to the customer via the channel".

The Applicants assert that the combination of Luzeski and Qiu fails to disclose a movie server and downloading movies on demand.

The Office Action also concedes that Luzeski fails to disclose a softswitch in communication with the service session manager, message bus and a customer network Further, without conceding the issue, if Qiu cures the deficiency of Luzeski, as asserted, by disclosing a switch fabric in communication with the service session manager, message bus and a customer network...as asserted on page 5 of the Office Action, the combination of Luzeski in view of Qiu does not teach that the softswitch is in communication with both a data network and the customer network. Qiu merely shows a single communication network in communication with two user systems (i.e. equipment not networks)(Fig. 1;Col. 2, l. 22-24). Luzeski, similarly, discloses a connection to the internet only. Luzeski does disclose a phone user being able to call in for his voice mail, fax and e-mail "counts". (Fig. 4I and 4J; Col. 22, l. 45-Col 23, l. 12) and Luzeski also discloses being able to delete e-mail and voice mail via the internet through the Session Manager/softswitch 10-5. (Fig. 4H, 4I; Col. 22, l. 19-43). Luzeski does not disclose both the telephone and the IP networks are both communicating through the Session Manager/Softswitch 10-5. The telephone depicted in Fig. 4H and 4I is a simple voice mail connection and bypasses the softswitch/session manager. Because neither reference shows or suggests a connection to two different networks the combination of Luzeski and Qiu fail to teach all of the elements. For at least the above reasons, amended claim 1 is allowable over the combination of Luzeski and Qiu. Dependent claims 2-6 and 8-11 depend from an allowable independent claim 1 and are allowable for at least these same reasons.

Claims 12-22

The Office Action Rejects independent claim 12 for the same reasons as independent Claim 1 without additional comment. However, amended independent claims 12 recites

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additional subject matter not disclosed in either Qiu or Luzeski. As a representative example claim 12 recites in pertinent part:

"[a] A system for converged service creation and execution, the system comprising ...a server farm...the softswitch server in communication with the service session manager, the converged service creation and execution environment message bus, and a first and second user network, and

wherein the softswitch establishes a connection between the first user network, the second user network, and the plurality of service servers ... and wherein upon the service session manager receiving a request for a conferencing, the softswitch receives an instruction from the service session manager and responds to the instruction by establishing a conferencing channel between the conference server and the first user network and between the conference server and the second user network".

The Applicants assert that the combination of Luzeski and Qiu fails to disclose a first and second data network both in communication with the softswitch server nor does the combination disclose a conferencing channel between the conference server and the first user network and between the conference server and the second user network customer upon the service session manager receiving a request for a conferencing. The Office Action, relies upon its assertion of Official Notice that a conferencing server is obvious. Again Applicants demand a written notice to this effect.

Further, without conceding the issue, if Qiu cures the deficiency of Luzeski by disclosing a softswitch serer in communication with the service session manager logic, message bus and a customer network...as asserted on page 5 of the Office Action, the combination of Luzeski and Qiu do not teach that the soft switch is in communication with a first and second customer network. Qiu merely shows a single communication network in communication with two user systems (i.e. equipment)(Fig. 1;Col. 2, l. 22-24) Luzeski, similarly, merely discloses a connection to the internet. The telephone depicted in Fig. 4H and 4I is a simple voice mail connection and bypasses the softswitch/session manager. Because neither reference shows or suggests a connection to two different networks the combination of Luzeski and Qiu fail to teach all of the elements. Because neither show nor suggest connection to two different user networks the combination of Luzeski and Qiu fail to teach all of the elements of claim 12 for at least these reasons. Dependent claims 13-22 depend from an allowable independent claim 12 and are allowable for at least these same reasons.

Claims 23-30
The Office Action Rejects independent claim 23 for the same reasons as

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independent Claim 1 and 12 without additional comment. However, amended independent claims 23 recites additional elements not disclosed in either Qiu or Luzeski. Amended claim 12 recites in pertinent part:

"[a] system for converged service creation and execution, the system comprising...a server farm...in communication with the means for managing a service session, the converged service creation and execution environment message bus, a PSTN and an data network, and wherein the softswitch establishes a connection between the PSTN, the data network, and the plurality of service servers to provide voice-oriented and non-voice-oriented services simultaneously to the PSTN and data network, and
wherein upon the service session manager logic receiving a request for bridging a telecommunication between the PSTN and data network, the softswitch receives an instruction from the service session manager logic and responds to the instruction by establishing a bridging channel between the softswitch server and the PSTN and between the softswitch server and the data network.".

The Applicants assert that the combination of Luzeski and Qiu fail to disclose a PSTN and a data network both in communication with the softswitch server nor does the combination disclose a bridging channel created by the softswitch server between the PSTN and the data network upon the service session manager receiving a request for bridging. Therefore, the combination of Luzeski and Qiu do not teach all of the claim elements.

Further, without conceding the issue, if Qiu does cure the deficiency of Luzeski by disclosing a softswitch serer in communication with the service session manager logic, message bus and a customer network...as asserted on page 5 of the Office Action, the combination of Luzeski and Qiu do not teach that the soft switch is in communication with a PSTN and a data network. Qiu merely shows a single communication network in communication with two user systems (i.e. equipment)(Fig. 1; Col. 2, l. 22-24) Luzeski, similarly, merely discloses a connection to the internet. The telephone (PSTN) depicted in Fig. 4H and 4I is a simple voice mail connection and bypasses the softswitch/session manager. Because neither reference shows or suggests a connection to two different networks the combination of Luzeski and Qiu fail to teach all of the elements of claim 23. For at least these additional reasons amended claim 23 is allowable over the combination of Luzeski in view of Qiu. Claims 24-30 depend from an allowable independent claim 23 and are allowable for at least the same reasons.

Claims 9, 10 and 22

Amended claims 9, 10 and 22 recite common elements not taught, disclosed or suggested by Luzeski, Qiu nor their combination. As an example claim 9 recites:

"The system of claim 1, wherein the application server is executing a user application

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creating one or more service sessions wherein each of the service sessions contains one or more different subsessions each subsession having one more participants wherein further the system bills users for costs of service based on different granularity characteristics including at least user characteristics, session characteristics, subsession characteristics and participant characteristics".

Neither Luzeski nor Qiu discloses multiple sessions with multiple subsessions with multiple participants and the ability to bill for services based on different granularities of usage. As such dependent claims 9, 10 and 22 are allowable over the combination of Luzeski and Qiu for at least this additional reason.

Claim 25

The Office action rejected claim 25 by equating the recited e-center to the Common Messaging Calls (CMC) API of Luzeski **10-4**. Amended claim 25 recites in pertinent part:

> "[t]he system of claim 23, further comprising: an e-center, ...wherein the e-center performs data processing and processes customer service calls including voice calls, voice mail messages, messaging and video calls..."

CMC API **10-4** is not an e-center that performs data processing and processes customer service calls including voice calls, voice mail messages, messaging and video calls. A CMC API is disclosed to be the primary client interface that maintains user and messaging data in a non-persistent store and logs the user on and off. Therefore the CMC API **10-4** is not an e-center because the CMC API **10-4** does not perform the same function as the recited e-center. Therefore claim 25 is allowable for at least this reason.
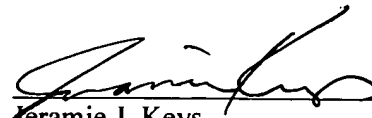
Conclusion

Applicants assert that the application including claims 1-6 and 8-30 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above, and further requests that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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